

Exhibit 37

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
ORACLE AMERICA, INC.,
Plaintiff,
vs. Case No. 3:10-cv-03561-WHA
GOOGLE, INC.,
Defendant.

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PURSUANT TO THE PROTECTIVE ORDER
VIDEO DEPOSITION OF JAMES R. KEARL, Ph.D.
San Francisco, California
Wednesday, March 23, 2016
Volume I

REPORTED BY:
REBECCA L. ROMANO, RPR, CSR No. 12546

Job No. CS2276036

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unit royalty in 2008 or 2009 -- I can't remember which is year -- of .0 -- .08 cents per handset.

So I think we derive this -- I don't think it's an explicit royalty in the license, but I think we derived it by backing out what -- what the royalty had to have been, given the number of units sold and the revenues that they got.

Q. Do you -- do you know what percentage of any price erosion in Java that may -- that has occurred since 2009 is due to the iPhone as opposed to the Android?

A. No.

Q. But would you agree that at least some portion of that is likely due to the iPhone?

A. Well, I -- I wouldn't agree that -- to an opinion that it's likely. I -- I don't know whether it's likely or not. I mean, is it possible? Sure.

I suppose this goes to the issue of which is the closest substitute. Something that looks like more a phone with Java ME on it, which is Android, or Apple, which looks very different. But, sure, there could have been some effect.

MR. RAGLAND: That is all I have.

MS. HURST: Okay. I apologize. I have

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contribution of any single thing to the synergy, at least not easily. The -- and to the degree that a counterfactual -- claim to do that, then it would -- you know, then -- then it would be claiming too much.

It's -- it's a hard question because it's unclear what -- what the -- the counterfactual implies about -- about the synergy.

I don't have anything else to say from that.

MS. HURST: Let me ask one follow-up.

Q. (By Ms. Hurst) Is there anything about Dr. Leonard's use of the Kim model that attempts to account for and allocate synergies as between the input Java and the rest of the -- the Android platform?

MR. RAGLAND: Objection to form.

THE DEPONENT: No.

MS. HURST: No further questions.

MR. COOPER: Okay. For clarity, I take it the deposition is over?

MS. HURST: From my perspective, you bet.

MR. COOPER: Okay.

MR. RAGLAND: That is correct.

MR. COOPER: Okay. Thank you.

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one quick follow-up.

FURTHER EXAMINATION

BY MS. HURST:

Q. You've talked about an output produced by complements.

Does that sometime involve the possibility that two inputs will create synergies that is more than the sum of their parts?

A. Sure.

Q. And so, for example, if you have input J and input A, and the resulting product is J plus A, plus synergies, then by combining the two inputs you've created more value --

MR. RAGLAND: Objection to form.

Q. (By Ms. Hurst) -- is that right?

A. Correct.

Q. Is it true that the use of non-infringing alternatives allows the infringer to retain the value of the synergies, under those circumstances?

MR. RAGLAND: Objection to form.

THE DEPONENT: That's a -- an interesting question.

The -- the fundamental problem is that if you have synergies, they're attributed to the jointness and, therefore, you can't parcel out the

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THE VIDEOGRAPHER: This concludes the testimony given by Dr. James Kearn. The three original discs will be retained by Veritext. We're off the record at 3:23 p.m.

(TIME NOTED: 3:23 p.m.)

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